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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,352	09/09/2003	Mark Smith	S0031/7001	2114
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PROSKAUER ROSE LLP				
ONE INTERNATIONAL PLACE				
BOSTON, MA 02110				
EXAMINER				
TRAN, PHUC H				
ART UNIT		PAPER NUMBER		
2416				
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10/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/658,352

**Applicant(s)**

SMITH ET AL.

**Examiner**

PHUC H. TRAN

**Art Unit**

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 11-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Keenan et al. (U.S. Patent No. 6215789).

- With respect to claims 1, and 13-16, Keenan teaches a method for processing data comprising: (a) converting a stream of synchronous serial data associated with a source (data from telephone 38 and 39 of FIG. 3, which is time sensitive) time slot in a time-division multiplexing frame (TDM frame 70 of Fig. 5) into a plurality of parallel data units (data for CBR Slot 1-4 in 70, FIG. 6 in view of 52 of FIG. 3);

(b) constructing, during a synchronization interval, at least one subpacket in memory from the plurality of parallel data units (e.g. CBR slot in frame 70 of Fig. 5);

(c) storing memory context information, including a destination time slot identifier, for each subpacket associated with the source time slot in a time-division multiplexing frame (identifier of TX TDM flow queue 58 of Fig. 3, slot number of CBR slot 1);

(d) constructing a data packet in memory (70 in fig. 5), the data packet including at least one synchronization tag identifying the synchronization interval, a plurality of subpackets, and the respective memory context information associated with each of the subpackets (slot number of

SBR slot in Fig. 5); and,

(e) providing the data packet to a receiving mechanism (e.g. Fig. 3 shows the TX).

- With respect to claim 2, Keenan also teaches wherein the receiving mechanism comprises an asynchronous switch and the method further comprises: (f) receiving from the asynchronous switch the data packet (Lines 27-30, Col. 28; or packets transmitted between Ethernet network switches such as traffic between 54 and 56, notice that the medium connecting switches is asynchronous), including a plurality of subpackets, at a destination and disassembling the data packet into subpackets, each subpacket associated with a destination time slot identifier (line 61-65, Col. 29, CBR transmission delay between two time slots is known).

- With respect to claims 3-4, and 18, Keenan teaches wherein (f) comprises (f1) directing a subpacket into a play-out memory buffer based on the destination time slot identifier associated with the subpacket (RX TDM flow queue 58 in Fig. 3).

- With respect to claims 5, and 9, Keenan discloses wherein (f) comprises: (f1) determining a number of subpackets contained within the packet ().

- With respect to claim 6, Keenan teaches wherein the memory context comprises time slot identification data (slot number of CBR slot 1).

- With respect to claim 7, Keenan teaches wherein the memory context comprises destination queue identification data (identifier of TX TDM flow queue 58 of Fig. 3).

- With respect to claims 8 and 17, Keenan also teaches wherein the memory context comprises enable data for enabling a data stream (data form 61 to 52 in Fig. 3).

- With respect to claims 10, Keenan discloses wherein the asynchronous switch comprises a plurality of destination ports and the packet further comprises data identifying to which of the destination ports the packet will be supplied (e.g. Fig. 4 shows the switch card).

### ***Response to Amendment***

3. Applicant's arguments with respect to claims 1-10, and 13-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

4. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571)272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUC H TRAN/  
Examiner, Art Unit 2416